

CARMEN HILL, )  
)  
Plaintiff, )  
)  
v. ) No. 4:08CV892 ERW  
)  
LEWIS MITCHELL COMPANY, et al., )  
)  
Defendants. )

This matter is before the Court upon plaintiff's submission of a complaint and motion to proceed in forma pauperis. After reviewing the complaint, the Court finds that the complaint should be dismissed for lack of subject matter jurisdiction.

Plaintiff’s only allegation of federal jurisdiction is that “Federal law governs the interpretation and enforcement of the promissory notes and Deed of Trust between

[plaintiff and defendants].” This allegation is wholly conclusory and fails to state any basis for jurisdiction in this Court.

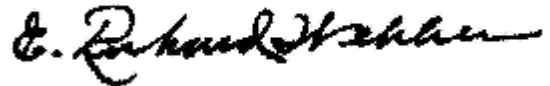
Additionally, the parties are not diverse. So there is no basis for jurisdiction pursuant to either 28 U.S.C. § 1331 or 28 U.S.C. § 1332. As a result, the Court will dismiss this action pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure.

Accordingly,

**IT IS HEREBY ORDERED** that this action is **DISMISSED** pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure.

An Order of Dismissal shall accompany this Memorandum and Order.

Dated this 24th Day of July, 2008.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written in a cursive style.

---

E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE